

Mr. MCCAIN. Of course, we know about Davis-Bacon that will inflate the construction costs of the bill by \$17 billion. Section 604 requires that only domestic apparel and textile products may be procured by the Department of Homeland Security, unless the Secretary of DHS determines the quality and quantity cannot be procured in the United States at market prices, whatever "market prices" means. There is a provision which states that within 45 days of enactment, the Governor of each State shall certify that they will request and use taxpayer funds provided in the bill. It goes on to say that if any of the money provided by this bill is not accepted by the Governor, then that State's legislature can simply pass a resolution to bypass the Governor and receive those funds. I have never seen a provision such as that in the Congress.

I repeat, if the Governor of a State says his State doesn't need the money, then the State's legislature can simply pass a resolution to bypass the elected Governor of the State and receive the funds. What does that say about States rights and States electing their Governors to lead. It is remarkable. Every Governor in America should be on notice that we may have established a precedent that if you don't want to take taxpayer money, then you can be bypassed by your legislature. It is unconstitutional and should be challenged in court.

It adds a new far-reaching policy with respect to unemployment compensation entitled "Unemployment Compensation Modernization"—an interesting description. The new policy would allow a person to collect unemployment insurance for leaving his job to care for an immediate family member's illness, any illness or disability as defined by the Secretary of Labor. This provision stems from legislation introduced in the Senate during the 110th Congress that was not approved. Each State would need to amend their unemployment insurance in order to receive a portion of the \$7 billion added to the bill for this additional unemployment compensation program. It provides a total waiver of cost savings related to inland waterways projects; 50 percent of the cost is supposed to be carried by private companies that utilize the waterways.

The report establishes the Federal Coordinating Council for comparative effectiveness research. The bill text does not use the term "clinical" when referring to comparative effectiveness research, leading to the possibility that the bill does not protect against the research being used to make coverage decisions based on cost-effectiveness rather than clinical effectiveness.

It includes the Health Information Technology for Economic and Clinical Health Act, a massive overhaul of our health IT infrastructure that deserves more consideration.

It is 1,071 pages and a 41-page statement of the managers, a total of 1,492

pages. It was negotiated in a partisan fashion, behind closed doors, in direct contradiction to President Obama's commitments during the campaign. I understand his spokesman yesterday said it was "an emergency." It may have been an emergency, but that was not mentioned during the commitments made by then-candidate Obama.

Among other things, the conference report contains \$450 million for Amtrak security grants through the Department of Transportation. It wasn't in the House bill, wasn't in the Senate bill. It duplicates a program that already exists.

I urge my colleagues, when they have a few spare moments, to look at the history of Amtrak, a railroad that was taken over by the Federal Government with the intent to turn it over to the private sector in a short period. We have propped it up with billions and billions of taxpayer dollars, funding that will never become profitable.

A provision recreates the slush fund that was unanimously rejected by both the House and Senate. The slush fund allows agency heads to move money around between programs as they see fit without any real oversight by Congress.

I mentioned high-speed rail. That is \$8 billion. The Senate included \$2 billion for these programs, and the House didn't include anything. The conference now has added \$6 billion. I mentioned earlier the veterans and military construction spending has been cut by over \$3 billion below both the House and Senate bills. Of course, the conference report, among many other items, contains \$50 million for NEA, a worthwhile endeavor, but I don't see how you can make the argument it creates jobs.

A commitment was made that the spending would be done quickly. The conference agreement drops provisions that require all funds in the bill to be awarded within 30 to 120 days of enactment. Instead, the report allows numerous programs to have 3 years or more to actually begin spending the funding.

I know many of my colleagues, including my friend from Illinois, are here. I don't want to take too much time, as many of my colleagues wish to discuss the legislation. I wish to mention there is \$2 billion for a neighborhood stabilization program which could go for money for groups such as ACORN. You could make arguments about whether ACORN should be funded. I do not see how that possibly creates jobs.

I understand this bill will be passed this evening. I hope the next time—maybe with TARP—because there are going to be other issues of enormous consequence that the Congress and the President of the United States will face in the coming weeks and months. I do not believe things are going to get better in the world real soon. We see activities around the world, from the behavior of the Russians to the Iranian

testing of a missile, to renewed aggressive rhetoric by North Korea, to others, including developing a strategy for Afghanistan. But there are also enormous economic challenges here at home.

The American people would like us to, and the message they have sent us is, that they want us to sit down and work together. As I said, this bill began with a statement by the Speaker of the House: We won. We write the bill. We need to sit down together before the bill is written, outline the principles, turn those principles we share into concrete legislation, and work together. I hope we never again have a repetition of a bill that has such enormous consequence that would pass through both bodies with literally no Republican support—three Senators out of 178 Members in the House and 40 in the Senate. That is not bipartisanship.

I think we passed up an opportunity this time. I hope the American people will respond again by sending us the message. They want us to address the economic woes we face, but they want us to address them together. This legislation, in my view, is very bad for the economic future of America.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

CONTINENTAL AIRLINES FLIGHT 3407

Mr. SCHUMER. Mr. President, I rise today to honor the lives and the memories of the victims of the tragic crash of Continental Airlines Flight 3407 in Clarence, NY, last night. Our Nation woke up this morning to the deeply saddening news that 50 lives were lost in this inexplicable tragedy, and our hearts, our prayers, and our minds are with the families and friends who lost a loved one, the first responders at the scene, and the residents of Clarence.

I was deeply saddened to hear that one of the victims was Beverly Eckert, whose husband Sean Rooney perished in the tragic events of September 11. I knew Beverly. I worked with her and so admired her fight to make sure another 9/11 never happens again.

Beverly was a national role model who turned tragedy into inspiration. She was traveling to Buffalo for what would have been her husband's 58th birthday, to take part in a presentation of a scholarship award in his memory at Canisius High School. She, and all the victims of this accident, will be greatly missed. Of course, the family members of the other victims, whose names have not been made public yet, will relate in the future episodes of quiet strength and bravery of their loved ones as well.

I spoke with Transportation Secretary Ray LaHood early this morning, and he reassured me that the Department of Transportation is taking quick action to figure out what caused this accident. Secretary LaHood told me the first responders who rushed to the

scene immediately last night have been remarkably brave in their efforts to save lives.

To all the brave men and women who risked their lives to protect the families who live in the area of the accident and to the many who are still on the ground fighting the fires that remain, thank you for your service.

I also spoke, this morning, with Congressmen CHRIS LEE and BRIAN HIGGINS, county executive Chris Collins, and Clarence supervisor Scott Bylewski to offer help. I am comforted that everyone at the Federal, State, and local levels stands ready to provide whatever help is needed.

Our thoughts and prayers also go out to the people of Clarence and the entire Buffalo area who were, no doubt, leaving for work and school with very heavy hearts this morning.

As a Senator, I am proud to serve the people of western New York. They are a resilient community, and if there is any comfort to this tragedy, it is in knowing that their outreach to the victims' families will be generous and loving.

Just last month, the world exalted when flight 1549 landed on the Hudson River without a single loss of life. Yet today we are faced with this horrible tragedy. At times such as this, the only thing that helps us is our faith that there is a greater wisdom that, at times such as this, is hard to understand.

Again, I offer my deepest condolences to the victims' families and friends as we continue to learn more about the cause of this tragic accident.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Arizona.

Mr. MCCAIN. Mr. President, I say to my colleague from New York that all of us join in expressing sympathy and sorrow at the loss of these wonderful Americans. Thank you for your eloquent words. They are deeply appreciated.

Mr. President, I would like to mention to my colleagues that so far we have speaking requests from Senators COBURN, ENZI, ROBERTS, BENNETT, HUTCHISON, BARRASSO, ENSIGN, THUNE, KYL, CORNYN, SESSIONS, and then ALEXANDER, GRASSLEY, BROWNBACK, and GRAHAM. So I would urge my colleagues to come over so we can move forward with this process.

The ACTING PRESIDENT pro tempore, The Senator from Illinois.

CONTINENTAL AIRLINES FLIGHT 3407

Mr. DURBIN. Mr. President, I join in saluting my colleague, friend, and roommate—we share a house on Capitol Hill—Senator SCHUMER. I am sure he speaks for Senator GILLIBRAND, as well, in expressing sympathy for the loss that occurred outside the city of Buffalo last night, with the crash of this Continental Airlines flight.

My sympathy goes out to all the families and friends and my admiration to

all the first responders. This is a time when communities gather together, become a family, work hard to try to appease the loss but to make certain we are doing everything in our power to lessen the pain these families will feel.

STIMULUS PACKAGE REPORT

Mr. DURBIN. Mr. President, Senator MCCAIN is a friend of mine and someone I respect. We came to the House of Representatives together 27 years ago. He came to the Senate before me, and we have served together for over 12 years. I respect him very much, and I know he speaks from the heart when he addresses this stimulus package. But I would like to take a few moments to reflect on some of the arguments he has made, and at any point in my presentation invite the Senator, if he is nearby, to come join me on the floor to discuss this matter in debate. Sadly, the Senate no longer debates in the old style. We give speeches and many times are like ships passing in the night. So I hope, if he is available—and I know he may not be; he has a busy schedule, too—I hope he will return to the floor, and we can talk about some of the arguments he made, and he can address them directly. In the meantime, I would like to speak to a few of them myself.

Senator MCCAIN argues that spending \$790 billion, which the President has suggested for a recovery and reinvestment, is too much money. He argues the bill is too large, there is too much money in this bill. Keep in mind, this money is going to be spent out over a 2-year, maybe 3-year period, most of it on the front end, most of it in the first 18 months, but much of it over a longer period of time. So we are talking about roughly \$350 billion to be spent, for example, in the first year, maybe as much as \$600 billion or \$700 billion by the end of the second year. It is a huge sum of money. It may be the largest bill we have ever considered, certainly the largest stimulus bill we have ever considered, on the floor of the Senate.

But I will tell you that most economists, in looking at this bill, raise the question about whether it is enough, considering the size of the American economy, No. 1. It is an economy that generates more than \$14 trillion a year in the production of goods and services. It is an economy that is flat on its back. It is an economy deep in recession, with high unemployment, with businesses failing, with families losing their health insurance, with a lot of misery being spread across the country. The obvious question is: What can we do to change it?

Last year, President George W. Bush saw this coming, and he suggested the way to change it was to offer tax breaks, tax rebates to families. The Democratic Congress said to the Republican President: If this is what you want us to do to try to turn the economy around, we will do it. We enacted bipartisan legislation to give President

Bush about \$150 billion to send back to families in checks of \$300 or \$600 in the hopes that would breathe some life back into the economy, cause people to go out and spend more money, buy more goods and services, invigorate businesses, save and create jobs. We did it. We signed up for that approach. It did not work. Mr. President, \$150 billion was spent for individual families. There was the \$300 or \$600 check, which I am sure provided some relief. But at the end of the day, when we took a look at the economy, it continued to cascade downhill. Simply doing \$150 billion in tax cuts did not do it.

Then President Bush came to us and said: I need \$700 billion. It was a staggering amount of money, but we were told by Secretary Paulson, Secretary of the Treasury, Ben Bernanke, Chairman of the Federal Reserve, and others, that if we did not do it and do it quickly, the economy could go into a crisis which could be felt worldwide.

It was the most sobering meeting I ever attended as a Member of Congress when I heard this, and I felt duty-bound to do everything I could to cooperate with the Republican President, to give him the resources he wanted to try to breathe life back into this economy, to get the credit institutions moving forward, and I voted for it. At the end of the day, \$350 billion was spent and, I am afraid to say, very little positive occurred. In fact, we are still trying to get an accurate accounting of what happened to that money.

These were the first two attempts by the previous Republican administration; first, a \$150 billion tax cut, then a \$700 billion TARP funding they called it—the Troubled Asset Relief Program—which the Democrats cooperated in and said: Mr. President, though we are of a different political party, this is a national crisis, and we will work with your best minds to try what we can to turn this economy around.

We debated it, and we changed parts of it. We are expected to. That is what Congress has as a responsibility. But there was no question from the beginning that the Democratic Congress was going to cooperate with the Republican President because we had a national emergency on our hands.

Now comes the new President, President Barack Obama, sworn in a little over 3 weeks ago. The crisis, which we had hoped would have turned, in fact, had worsened. He inherited the worst economic crisis in 75 years. You have to go back to President Franklin Roosevelt and the awful Depression he saw to find another President faced with this kind of an economic challenge. President Obama came to office and said: We have to do something. We have to try to find a solution. We need to put the best minds, the best economists, and the best leaders together to come up with an approach which will stop this recession from growing and getting worse and will turn this economy around. He said, similar to President Bush: I would like the help of both political parties to do it.